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ENVIRONMENT AND SUSTAINABLE DEVELOPMENT: PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS OF MANKIND

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly, in pursuance of its resolution 47/195 of 22 December 1992, the final report of the Chairman of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change.

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ANNEX

Report of the Chairman of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change on the completion of the Committee's work

I. INTRODUCTION

1. In its resolution 47/195 of 22 December 1992, the General Assembly, inter alia, invited the Chairman of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change to submit a final report to it on behalf of the Committee on the completion of the Committee's work, following the conclusion of the first session of the Conference of the Parties to the Convention. The present report is submitted in response to that invitation.

II. BACKGROUND

2. In 1992, my distinguished predecessor, Mr. Jean Ripert (France), as requested by the General Assembly in its resolution 45/212 of 21 December 1990, reported to the United Nations Conference on Environment and Development on the outcome of the negotiations undertaken by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, as well as on possible future steps in the field of climate change. 1/

3. As regards the latter, Mr. Ripert recalled resolution INC/1992/1 of 9 May 1992 on interim arrangements and article 21 of the Convention 2/ as providing the basis for future work regarding the Convention. The main thrust, he added, was to maintain the present rhythm and pace of work, to prepare for the early and effective entry into force of the Convention and to encourage action in support of its provisions, even before it formally entered into force.

4. With that concern in mind, the General Assembly adopted resolution 47/195, in which it, inter alia, provided for the Intergovernmental Negotiating Committee to continue to function in order to prepare for the first session of the Conference of the Parties to the Convention; to contribute to the effective operation of the interim arrangements; and to promote a coherent and coordinated programme of activities aimed at supporting the entry into force and implementation of the Convention, paying particular attention, in that context, to capacity-building in developing and other countries. A second phase of the work of the Intergovernmental Negotiating Committee was thus established. The Assembly invited the Committee to implement expeditiously the plan of preparatory work drawn up at its sixth session. 3/ At that session, held from 7 to 10 December 1992, the Committee had decided to focus its future work on the following issues:

(a) Matters relating to commitments

(i) Methodologies for calculations/inventories of emissions and removals of greenhouse gases;

(ii) Criteria for joint implementation;

(iii) First review of the information communicated by each party included in annex I of the Convention;

(iv) Review of the adequacy of commitments in article 4, paragraphs 2 (a) and (b);

(b) Matters relating to arrangements for the financial mechanism and for technical and financial support to the developing country parties

(i) Implementation of article 11, Financial mechanism, paragraphs 1 to 4;

(ii) Provision to developing country parties of technical and financial support;

(iii) Consideration of the maintenance of the interim arrangements referred to in article 21, paragraph 3;

(c) Procedural, institutional and legal matters

(i) Rules of procedure and financial rules of the Conference of the Parties and of the subsidiary bodies established by the Convention;

(ii) Designation of a permanent secretariat and arrangements for its functioning;

(iii) Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation.

5. It was upon me that the honour and privilege were bestowed of leading the work of the Intergovernmental Negotiating Committee in accomplishing its new mission. I wish therefore to take this opportunity to thank delegations participating in the work of the Committee for this distinction and for their continued support. I also want to pay tribute to my predecessor, Mr. Jean Ripert, for the able and competent manner in which he conducted our work in negotiating the Framework Convention.

III. OFFICERS OF THE COMMITTEE

6. The composition of the Bureau of the Intergovernmental Negotiating Committee at the time of the conclusion of its work was as follows:

Chairman: Mr. Raúl Estrada-Oyuela (Argentina)

Vice-Chairmen: Ms. Rungano P. Karimanzira (Zimbabwe)
Mr. Maciej Sadowski (Poland)
Mr. T. P. Sreenivasan (India)
Ms. Penelope Wensley (Australia)

Rapporteur: Mr. Maciej Sadowski (Poland)

Working Group I

Co-Chairmen: Mr. Mohamed M. Ould El Ghaouth (Mauritania)
Ms. Cornelia Quennet-Thielen (Germany)

Vice-Chairman: Mr. Tibor Faragó (Hungary)

Working Group II

Co-Chairmen: Mr. Nobutoshi Akao (Japan)
Mr. James T. Stovall III (Federated States of Micronesia)

Vice-Chairman: Mr. John W. Ashe (Antigua and Barbuda)

7. I should like to point out the pleasure I had in working with the members of the Bureau and wish to extend my appreciation for their cooperation and support. I should also like to thank the following representatives who served as officers of previous bureaux under my chairmanship for their contributions to the work of the Committee: Mr. Edmundo de Alba Alcaraz (Mexico), Mr. Ahmed Djoghlaf (Algeria) and Mr. Robert F. Van Lierop (Vanuatu).

IV. PARTICIPATION

8. Participation by Governments was extensive at all sessions of the Committee with the number of delegations represented normally fluctuating between 130 and 160. Participation by developing countries through representatives from capitals was determined, to a large extent, by the availability of financial support for the purpose from the special voluntary fund established under General Assembly resolution 45/212.

9. The following United Nations offices and programmes were regularly represented at sessions of the Committee: the Department for Policy Coordination and Sustainable Development of the Secretariat, United Nations Development Programme (UNDP), the United Nations Environment Programme (UNEP) and the United Nations Institute for Training and Research (UNITAR). The following specialized agencies and other organizations of the United Nations system were also represented: the Food and Agriculture Organization of the United Nations (FAO), the International Civil Aviation Organization (ICAO), the World Bank, the United Nations Industrial Development Organization (UNIDO), the World Meteorological Organization (WMO), the International Atomic Energy Agency (IAEA), the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Global Environment Facility of the World Bank/UNDP/UNEP and the WMO/UNEP Intergovernmental Panel on Climate Change.

10. In addition, attesting to the increased interest in the Convention by various segments of the international community, the sessions of the Committee were always actively followed by representatives of intergovernmental and

non-governmental organizations reflecting a wide range of views on the subjects under consideration.

V. THE ROLE OF THE INTERIM SECRETARIAT

11. The role of the interim secretariat in the second phase of work of the Committee was spelt out by the General Assembly in its resolution 47/195. The secretariat was requested to function as the interim secretariat until the completion of the first session of the Conference of the Parties, to provide substantive support to the evolving work of the Intergovernmental Negotiating Committee and to support the Committee in its activities aimed at supporting the entry into force and effective implementation of the Convention, including strengthening the capacities of developing and all other countries to prepare for their participation in the Convention. Various forms of support were extended to the Secretariat by the United Nations, especially the Department for Policy Coordination and Sustainable Development of the Secretariat, UNDP and UNEP, as well as by WMO.

12. On behalf of the Committee and my own, I should like to extend to the Executive Secretary and, through him, to all his colleagues in the secretariat our most sincere appreciation for the dedicated manner in which the secretariat always supported the work of the Committee. Without the efforts and competence of the secretariat, the Committee would have faced great difficulties in fulfilling its mandate. Furthermore, the secretariat has now opened a new area of work and analysis as it has embarked into the compilation and evaluation of national communications and into the in-depth reviews of those communications. Of all the efforts in which the international community is engaged to protect the environment and preserve natural resources, there is none that compares to this one, both in terms of the methodological rigour applied and the multiplicity of economic activities involved.

VI. THE WORK OF THE INTERGOVERNMENTAL NEGOTIATING COMMITTEE

13. It is to the credit of the international community that it decided to extend the mandate of the Intergovernmental Negotiating Committee after the adoption and signing of the Framework Convention on Climate Change. Without a doubt, the continued existence of the Committee, in and by itself, allowed for the momentum of intergovernmental work on the Convention to be maintained by enabling States that had participated in the negotiation of the Convention to carry work forward without delay and with the required focus on the specific needs of the Convention. In addition, as a universal forum, the Committee allowed for additional States to join in that process.

14. Indeed, I firmly believe that the uninterrupted work of the Committee after a record 154 Governments signed the Convention at the United Nations Conference on Environment and Development in June 1992 was responsible in large part for the early entry into force of the Convention on 21 March 1994. In the space of only three years, the Convention went from a conceptual to a concrete reality, establishing mechanisms and procedures to carry forward cooperation among States in stabilizing atmospheric concentrations of greenhouse gases at a safe level.

By the time the Intergovernmental Negotiating Committee concluded its work on 17 February 1995, 122 States had ratified the Convention.

15. I consider it a distinguished privilege to report to the General Assembly on behalf of the Committee on the completion of the Committee's work. By the end of its eleventh and final session, the Committee had concluded a considerable amount of work and referred nine draft decisions for adoption by the Conference. The Committee also referred a number of other issues to the Conference on which work had progressed quite considerably. I will, however, refer to only a few aspects of the work of the Committee that, in my view, contributed in particular to the strengthening of the framework provided by the Convention, as well as to setting the tone for the work of the Conference of the Parties. A thorough account of the work of the Committee at its sixth to eleventh sessions is contained in the reports of the Committee itself, 4/ as well as in reports of the Secretary-General to the General Assembly on protection of global climate for present and future generations of mankind (A/47/466 and A/49/485).

16. Given that the Convention assigns a leading role to developed country parties (included in annex I to the Convention) in implementing commitments relating to the mitigation of climate change, it was essential that the Committee conclude work on the question of preparation and submission of national communications from annex I parties. Even before it referred a draft decision on the subject for adoption by the Conference of the Parties, the Committee, with the assistance of the interim secretariat of the Convention, had in effect set in motion a legally binding mechanism for the reporting by those States parties of their anthropogenic emissions of greenhouse gases, projections of future such emissions and mitigating measures undertaken with a view to fulfilling their commitments under the Convention. In that connection, the Committee is grateful to the Intergovernmental Panel on Climate Change for the useful information it provided to the Committee in that process.

17. Draft decisions on the questions of maintenance of the interim arrangements referred to in article 21, paragraph 3, of the Convention, and on arrangements between the Conference of the Parties and an operating entity or entities of the financial mechanism were also referred by the Committee to the Conference for adoption. These issues are directly related to that of guidance on policies, programme priorities and eligibility criteria to the operating entity or entities of the financial mechanism, which, though incomplete at the closing of the Committee's work, was eventually finalized by the Conference of the Parties. As a result of the action taken on these three issues, it has been decided that the restructured Global Environment Facility will continue, on an interim basis, to be the international entity entrusted with the operation of the financial mechanism referred to in article 11 of the Convention, under the guidance provided by the Conference of the Parties on policies, programme priorities and eligibility criteria. To a large extent, implementation of the Convention by parties will depend on how effectively the Facility carries out its mission.

18. Other issues on which the Committee completed its work and referred draft decisions for adoption by the Conference included the review of first communications from annex I parties, first communications from parties not included in annex I to the Convention and methodological issues.

19. On the issue of the role of the subsidiary bodies established by the Convention, including their programmes of work and calendars of meetings, the Committee completed most of the work but left a few points open for consideration by the Conference. Likewise, the question of the designation of a permanent secretariat and arrangements for its functioning was left pending. Further deliberations were still needed on the questions of the Convention budget and the location of the secretariat.

20. Two issues of great importance for the future of the Convention on which the Committee achieved some progress but left the remainder of the work to the Conference of the Parties were the review of the adequacy of article 4, subparagraphs 2 (a) and (b), and criteria for joint implementation. On the question of the review of the adequacy of article 4, subparagraphs 2 (a) and (b), the Committee had before it a proposal for a protocol to the Convention on the reduction of greenhouse gas emissions, tabled by Trinidad and Tobago, on behalf of the States party to the Convention that are members of the Alliance of Small Island States, as well as proposals for further elements of a protocol to the Convention submitted by Germany. In that regard, appreciation was expressed and reservations were made by a number of parties and other Member States of the United Nations regarding the proposals. On the subject of joint implementation, the Committee had before it draft texts proposed by the Group of 77 and China, the European Community and its member States, and the United States of America. It decided to recommend that the Conference of the Parties should continue the consideration of the issue, taking into account those three draft texts, as well as comments made and views expressed at its eleventh session.

VII. CONCLUSION

21. The Intergovernmental Negotiating Committee for a Framework Convention on Climate Change was assigned a formidable task when it was created by the General Assembly in 1990 - to complete negotiations on a framework convention on climate change prior to the United Nations Conference on Environment and Development, to be held in June 1992, so that the convention might be opened for signature at the Conference. I am sure that there were then those who thought the exercise to be impossible.

22. Wisely, the Committee sought to establish a process that would allow the international community to establish common courses of action in which cooperation, as opposed to confrontation, would predominate. By choosing to negotiate a framework convention instead of an instrument that would impose strict regulations, the Committee encouraged wide participation by Governments in its work and fostered a spirit of cooperation that is, no doubt, the basis for the effective implementation of the United Nations Framework Convention on Climate Change. As the Committee moved into the second phase of its work, that is, to promote early adherence to the Convention and to prepare for the first session of the Conference of the Parties to the Convention, the need for that spirit of cooperation became ever more present.

23. I know that, at the conclusion of the work of the Committee, again there were those who thought the Committee could have been more productive and reached

more concrete results. In my view, however, the balance has been very positive - while each step taken by the Committee might have appeared to be modest, the cumulative result is that, in a mere three years, the international community managed to create a framework for concrete action to be taken in response to the common concern with the adverse effects of climate change.

24. I believe the Committee fulfilled its mandate. Nevertheless, I must sound a warning note. Since the time when the Convention was opened for signature, some developed countries have not made adequate efforts to meet their commitments under the Convention. Some of those countries have even argued, unfoundedly in my personal view, that the commitment relating to the return of emissions of greenhouse gases to 1990 levels expires at the end of this century and that, consequently, their emissions may start growing again at the end of that period. This prospect contradicts the expectations created in the international community when the Convention was adopted.

25. As the General Assembly will by now have apprised itself of the results reached by the Conference of the Parties to the Convention, 5/ it will realize that the Conference has gone some significant steps further towards the strengthening of the Convention. By having concluded that subparagraphs 2 (a) and (b) of article 4 of the Convention, which contain specific commitments by developed country parties and other parties included in annex I to the Convention, are not adequate, the Conference of the Parties has given the international community a testimony of the seriousness and responsibility with which it regards the question of greenhouse gas emissions and their impact on climate change. That testimony is further highlighted by the fact that the Conference of the Parties has given itself little more than two years to carry out a process aimed at strengthening the commitments of annex I parties in article 4, subparagraphs 2 (a) and (b), through the adoption of a protocol or another legal instrument. Completion of the work on the question is scheduled for as early as possible in 1997, with a view to adopting the results at the third session of the Conference of the Parties. 6/

26. The Conference of the Parties has honoured me by electing me Chairman of the ad hoc group set up to carry out the Berlin Mandate. 6/ Included in the Mandate is the aim for developed countries to elaborate policies and measures, as well as to set quantified limitation and reduction objectives within specified time-frames for their anthropogenic emissions of greenhouse gases. The recent scientific assessments produced by the Intergovernmental Panel on Climate Change confirm the need to adopt additional policies and measures. The Berlin Mandate is a substantive task that must be concluded within a limited period of time. To do this, it will be necessary to put new momentum into the fulfilment of the commitments made in 1992 and to overcome the lack of resolve to which I have alluded. It is important to realize that, even if action consists mainly of precautionary and "no regrets" measures, profound changes will still be needed to accomplish those goals. That will demand a particular effort from certain sectors of society in the developed countries and it will inevitably come at a cost.

27. Much work has been accomplished, much work remains to be done. Throughout the years of existence of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, the support of the international

community for its work through the action taken by the General Assembly was essential to keeping the momentum and moving the process steadily forward. The Committee's work is now finished, but not that of the Convention - this is just the beginning. The continued support of the community of nations for the effective implementation of the Convention is a legacy that is owed to all the generations to come.

Notes

1/ Report of the Chairman of the Intergovernmental Negotiating Committee for A Framework Convention on Climate Change, Mr. Jean Ripert (France), on behalf of the committee (A/CONF.151/8).

2/ A/AC.237/18 (Part II)/Add.1 and Corr.1, annex I.

3/ Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change on the work of its sixth session, held at Geneva from 7 to 10 December 1992 (A/AC.237/24).

4/ Ibid., as well as the reports of the Committee on its seventh session (A/AC.237/31); eighth session (A/AC.237/41); ninth session (A/AC.237/55); tenth session (A/AC.237/76 and Corr.1); and its eleventh and final session (A/AC.237/91 and Add.1).

5/ See Report of the Conference of the Parties on its first session, held at Berlin from 28 March to 7 April 1995, Parts I and II (FCCC/CP/1995/7 and Add.1).

6/ Ibid., decision 1/CP.1 of 7 April 1995.